

Reference: 10/00354/COU
Date Submitted: 10.05.10
Applicant: Mr S Pear
Location: Field Number 4756, Muston Lane, Easthorpe
Proposal: Retrospective application to provide hard standing to site wooden movable stables for 2 horses, extend the width of field access to allow safer access for a horse box.

Introduction:-

This application seeks retrospective planning permission for hard standing and improved access, to site wooden movable stables. The site lies outside of the village boundary and designated Conservation Area. The area is currently being used to site the wooden stable positioned on moveable skis and a horse box, while the remaining field is grazed by wilder beast. Located north of the highway to the end of Muston Lane, residential development dominates the south side of the single lane highway, with open countryside to the north, leading to the river Devon and Chestnut House sharing the east boundary being furthestmost to the end of Muston Lane.

The application site comprises of approx. 225 square metres of compacted hardcore topped with road planing and an new access east of the field, adjacent to the occupants own dwelling on Muston Lane. The topography of the field runs on an incline from West to East whereby the site location is slightly elevated to the adjacent dwellings, with a 1 metre native hedgerow running this boundary with that of Muston Lane. There is no boundary treatment to the east of the site where Chestnut House is situated 3 metres away and approximately 0.5 metres below the ground level of the hard standing.

The application has been submitted in response to an enforcement investigation and is required to be considered by the Committee because of the number of representations received.

Planning Policies:-

PPS7 - Sustainable Development in Rural Areas – sets out advice on development in the countryside. It states in the key principles (paragraph 1) that the Government’s aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

Melton Local Plan (saved policies):

Policies OS2 - states that permission will not be granted for development outside town and village envelopes with some exceptions for agriculture, employment, recreation and tourism.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority – concern with the access due to a lack of suitable visibility out on to Muston Lane.	The applicant has agreed to remove/trim the hedge on the highway boundary to significantly improve visibility out of the access. As a result it would be possible to provide visibility splays to the right (northwest) out of the access that would accord to current standards.

<p>The visibility splay to the left (southeast) would be restricted by the adjacent dwelling no. 23 that projects into the highway. Highways would therefore be prepared to look favourably upon the proposal provided that a minimum visibility splay of 2.4 metres by 59 metre is provided to the right out of the access and a splay of 2.4 metres by the maximum achievable to the left are provided. These splays should be cleared of any obstruction that exceeds a height of 0.6 metres in height, surfaced in a hard bound material such as tarmacadam, concrete or other similar hard bound material</p>	<p>It is believed that because the road beyond no. 23 is a dead end with no further development beyond no.23, that the volume of traffic coming from this direction was low, as indeed was the speed of traffic and although highways would prefer greater visibility in this direction it would perhaps be difficult to resist the development on that ground alone</p>
<p>Parish Council – Are concerned that the movable stables could be removed and hard standing then used for building a dwelling. Should have a time limit on it and be renewable.</p>	<p>This application is not submitted for consideration of the stables but for the hard standing only. The stables do not require planning permission as it is a moveable structure. However, The construction of the hard standing ‘to site’ the movable stables, questions the stables permanency and the need for an application to considered against policy C4 and C5</p>

Representations:

A site notice was posted at the entrance of the site on 11 June 2010 and neighbouring properties consulted by letter. As a result 6 letters of representation representing 8 residents have been received.

Representations	Assessment of Head of Regulatory Services
<p>Character and appearance of area:</p> <ul style="list-style-type: none"> • As regular walkers, we consider that the proposal to cut a new access and hardstanding to site a shed/stable so close to the road as being out of keeping with the openness of the landscape. The land is already much higher than the road and the stable is extremely prominent. • Why so close to the road? This is so intrusive in what was my open view across the fields to the river. Could the stable have been sited down by the river as others. • The view across the fields to the river would be totally interrupted and change the ambience of this part of the village. • The hard standing is currently sited at the highest part of the field and is visually intrusive. • Too intrusive for what was a lovely open length of grass meadow leading down to the Devon. 	<p>The construction of the hardstanding is positioned to the higher end of the field, close to the boundary hedge abutting Muston lane, which offers substantial screening from this particular development when viewed approaching from the west. The newly created access gives full view to the site when approaching from the east and those residents living along Muston Lane.</p> <p>The stables are not considered to be a permanent structure as it can be moved around the field.</p> <p>The fields to this part of Muston Lane are open countryside and contribute greatly to the character of the area, whereby development has not previously occurred and could be considered detrimental to the appearance and rural character of the open countryside. The construction of the hard standing in this location is considered to be contrary to policy OS2 of the Melton Local Plan which seeks to safeguard open countryside from unwarranted development.</p>

<ul style="list-style-type: none"> • Further development of a dwelling on the site. • The retrospective application is for a feature out of character to the area and is not needed for the grounds stated in the application. • Apart from a very old house there is no other residential or commercial construction on the north side of Muston Lane. This would set an unwelcome precedence. <p>Loss of Privacy:</p> <ul style="list-style-type: none"> • The high ground leads to a loss of privacy within our home – our main family room windows at ground level face west directly into the site, with further windows upstairs similarly affected. 	<p>The site lies outside of the village envelope and any application for a dwelling on this site would need special justification. The creation of a new dwelling would require a full application and would be considered on its own merits if such an application was received: the hardstanding would provide no assistance to this process.</p> <p>The application seeks retrospective planning permission for the construction of the hard standing area. The access and hardstanding is for the purpose of gaining access to the field and to assist with the keeping of horses. The hardstanding on its own is not considered to be in keeping with the locality and lies outside of the village envelope where development is only permitted in the interest of agriculture, forestry, recreation or tourism. Conditions can be imposed to restrict the use of the site .</p> <p>The site lies outside of the village boundary and is therefore considered to be open countryside designation. Policy OS2 is therefore applicable. Planning permission is not required for moveable structures, the existing stable is on skis which allows for it to be moved around the field. If the stable was ‘fixed’ it would require planning permission and therefore would have to comply with other relevant planning policies contained within the local plan. Each application is to be considered on its own merits and it is considered that a precedent would not be set should the application be approved.</p> <p>Due to the topography of the site Chestnut House is set down from the site. It is considered that the development would not have a detrimental impact upon the residential amenities due to the adequate separation distances. If deemed necessary conditions requiring planting could be imposed.</p>
<p>Impact upon highway:</p> <ul style="list-style-type: none"> • New access causes concern over problems with visibility. • Why is the new access required when the existing gate has always been adequate? • The applicants do have large private and other vehicles which protrude onto the highway causing a restriction of the carriageway which could lead to an inclination to park vehicles in the proposed stable area, turning it into little more than a car park. 	<p>The applicant has agreed to address these concerns as requested by the highways authority as stated above. The applicant created the new access so as to reduce the amount of travel to and from the site.</p> <p>The use of the hard standing can be conditioned accordingly.</p> <p>The hardstanding has been constructed to be used in conjunction with the keeping of horses. The proposal if permitted would not give permission for any other use.</p>

<ul style="list-style-type: none"> • There is the likelihood of horse trailers and agricultural vehicles of using the new entry every day and for this the turning is not as good as the original gateway as the lane is narrower in the new position – This could cause obstruction to others and restrict parking of our vehicles on the verge. 	<p>With the requested visibility splays implemented and any gates erected set back, will enable vehicles to pull safely off the highway, allowing turning facilities within the site using the hardstanding.</p>
<p>Impact on amenities:</p> <ul style="list-style-type: none"> • With the possibility of stabling 2 horses, how will waste be dealt with? • The proximity of residences along this stretch of Muston Lane would be relevant, especially when downwind of the prevailing wind. • We are concerned with the siting of the manure pile and do not wish to be confronted with the site or smell. 	<p>The stables do not require planning permission due to being a moveable structure. Likewise the keeping of horses is not considered as a change of use to the land and is also permissible.</p>

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Impact on the character of the area:</p>	<p>The open aspect to the north side of Muston Lane conveys an intrinsic part to that of the appearance and character of the area. The hardstanding and access positioned to this location depart from Policy OS2 and is considered to have a detrimental impact on the rural and open countryside. PPS7 seeks to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. The construction of the hardstanding is considered to undermine the countryside setting. The stable is mounted on skis and is considered as a moveable structure where planning permission is not required. It is therefore considered that the hardstanding in this location is not necessary and is not required or needed to enable development.</p>

Conclusion

The change of use of agricultural field to a hard standing for moveable stables in the open countryside does not comply with Policy OS2 of the Adopted Melton Local Plan. The proposal represents a departure from the Local Plan in so far as the It is considered that the change of use would have a detrimental impact on the character and appearance of the open countryside Therefore, for the reasons stated above the application is recommended for refusal.

Recommendation : REFUSE

1. The open aspect to the north side of Muston Lane conveys an intrinsic part to that of the appearance and character of the area. In the opinion of the Local Planning Authority the change of use of agricultural field to a hardstanding and access positioned to this location departs from Policy OS2 of the Melton Local Plan and is considered to have a detrimental impact on the rural and open countryside. PPS7 seeks to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. The construction of the hardstanding is considered to undermine the countryside setting.

Officer to contact: **Mrs Deborah Dowling**

Date: 12th July 2010